

Serial No. 10/759,117

Attorney Docket No. 14-024

**REMARKS**

The first office action failed to acknowledge the claim for priority under section 119, and failed to indicate that the certified copy of the priority documents was received. Accordingly, the response to the first office action requested the acknowledgement and the indication that the priority document was received. The response to the first office action included copies of: (1) the OIPE hand delivery filing receipt, stamped by OIPE on January 20, 2004, acknowledging receipt of items including the Japanese priority document JP2003-023647; and (2) the stamped postcard receipt of January 20, 2004 acknowledging receipt of items including the Japanese priority document JP2003-023647. The postcard is *prima facie* evidence of receipt in the USPTO of all the priority documents. It is an abuse of discretion by the examiner to refuse to acknowledge priority, to refuse to indicate that the certified copy of the priority document was received, and to ignore applicants' proper request to correct the procedural errors. Consequently, acknowledgment of the document and the claim for priority is respectfully requested.

Claims 4 – 7 are pending. Claims 4 – 7 were indicated as allowed. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 2 and 3 rejected under 35 USC 103(a) as being unpatentable over combinations of U.S. Patent No. 4,939,725, Matsuda et al. ("Matsuda"), U.S. Patent No. 6,534,883, Yoshida et al. ("Yoshida"), and U.S. Patent No. 5,408,412, Hogg et al. ("Hogg"). It is respectfully submitted that the rejection is moot because claims 2 – 3 have been canceled.


In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

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Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

  
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